

**Table 1**

**General Information, Definitions, and Terms**

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**Section 101 - General Information, Definitions, and Terms**

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**101.01 General.** The titles and headings of the Sections, Subsections, and subparts herein are intended for convenience of reference and shall not be considered as having bearing on the interpretation of these Specifications.

Where a publication is referenced, the reference applies to the most recent date of issue as of the date bids are advertised, including interim publications, unless the reference includes a specified date or year.

Portions of these Specifications are written in the imperative mood. In sentences using imperative mood, the subject "the Contractor" is implied. Also implied in the language are "shall" or "shall be" or similar words and phrases. In all instances where "the Contractor" and "shall" or "shall be" are implied, the actions specified are solely the responsibility of the Contractor. In the referenced material sections, the subject may also be a vendor, fabricator, manufacturer, or combination thereof, who may be supplying the material, products, or equipment for the Project. The word "will" generally applies to decisions or actions of the Department or Engineer.

In the Contract as defined in [Subsection 101.17](#), the following words: contemplated, required, determined, directed, specified, authorized, ordered, given, designated, indicated, considered necessary, deemed necessary, permitted, reserved, suspended, established, approval, approved, disapproved, acceptable, unacceptable, suitable, satisfactory, unsatisfactory, sufficient, insufficient, rejected, condemned, or words with similar intent; mean by or to the Department, subject in each case to the determination of the Secretary, and subject to further review, as permitted by law or permitted elsewhere in these Specifications.

In the Contract, the words "or equal", referring to a product, material, or process, mean "equal as determined by the Department".

In the Contract, the words "as indicated" or "indicated" mean "as indicated or indicated by the Contract".

The Plans referred to in any Contract awarded using these Standard Specifications are normally presented in either U.S. customary (English) or metric units developed independently within each system. The Standard Specifications, Supplemental Specifications and Special Provisions for a particular Contract may be presented in either form of units. The relationship between the metric and U.S. customary values is neither an exact (soft) conversion nor a completely rationalized (hard) conversion. The metric values are those that would have been used had the Contract been presented exclusively in metric units; the U.S. customary values are those that would have been used if the Contract had been presented exclusively in U.S. customary units. Users are directed to work entirely in the system set forth in the Plans, and to make no attempt to convert directly between the two.

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**101.02 Abbreviations.** Wherever the following abbreviations, terms or pronouns are used in the Contract, the intent and meaning shall be interpreted as follows:

AA	Aluminum Association
AAN	American Association of Nurserymen
AAR	Association of American Railroads
AASHTO	American Association of State Highway
ACI	American Concrete Institute
AED	Associated Equipment Distributors
AGC	Associated General Contractors of
AIA	American Institute of Architects
AISC	American Institute of Steel Construction
AISI	American Iron and Steel Institute
ANSI	American National Standards Institute
ARA	American Railway Association
AREA	American Railway Engineering
ARTBA	American Road and Transportation
ASCE	American Society of Civil Engineers
ASLA	American Society of Landscape Architects
ASME	American Society of Mechanical
ASTM	American Society of Testing and Materials

ASTM	American Society of Testing and Materials
AWPA	American Wood PreserversN Association
AWS	American Welding Society
AWWA	American Water Works Association
CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
FSS	Federal Specifications and Standards
MIL	Military Specifications
MUTCD	Manual on Uniform Traffic Control Devices (For Streets and Highways)
NEC	National Electrical Code
NIST	National Institute of Standards and Technology
OSHA	Occupational Safety and Health Administration
PCA	Portland Cement Association
PCI	Prestressed Concrete Institute
PTI	Post Tensioning Institute
SAE	Society of Automotive Engineers
SSPC	Steel Structures Painting Council
Traffic Control	Delaware Traffic Control for Streets and Highway Construction, Manual Maintenance, Utility and Emergency Operations
UL	UnderwritersN Laboratory, Incorporated

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**101.03 Addendum.** Contract revisions issued after advertisement of the proposal and before bid opening.

**101.04 Additional Work.** Work for which a Contract item is already provided by the Contract.

**101.05 Adjustment (or Contract Adjustment).** A revision to the Project cost or time provided in accordance with [Subsections 108.07](#) and [109.04](#).

**101.06 Advertisement.** A public announcement inviting proposals for work to be performed or material to be furnished.

**101.07 Award.** The Department acceptance of a proposal.

**101.08 Bidder.** Any individual or legal entity submitting a proposal.

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**101.09 Bid Documentation.** All writings, working papers, computer printouts, charts, and data compilations that contain or reflect

information, data, or calculations used by the bidder to prepare the bid proposal submitted, including but not limited to material relating to the determination and application of:

- A. Equipment rates
- B. Overhead rates and related time schedules
- C. Labor rates
- D. Efficiency or productivity factors
- E. Arithmetic extensions
- F. Subcontractor and material supplier quotations

Any manuals standard to the industry used by the bidder in determining the bid proposal are also considered bid documentation. These manuals may be included in the bid documentation by reference and shall show the name and date of the publication and the publisher.

The term "Bid Documentation" does not include documents provided by the Department for the bidder's use in the preparation of the bid proposal.

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**101.10 Bid Proposal.** The bound book consisting of: General Description; General Notices; Supplemental Specifications; Special Provisions including Utility Statements, Certificate of Right-Of-Way Status, and location and environmental requirements; and the Bid Proposal Form.

**101.11 Bid Proposal Form.** The approved form on which the Department requires formal bids to be prepared and submitted for the work.

**101.12 Bridge.** A structure, including supports, erected over a depression or an obstruction, such as water, highway, or railway and having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of the roadway of more than 20N (6.096 m) between undercopings of abutments or extreme ends of openings for multiple boxes. Structures having an opening of 20 ft? (1.86 m?) or greater are included on the Department bridge inventory.

**101.13 Calendar Day.** Each and every day shown on the calendar, beginning and ending at midnight.

**101.14 Change Order.** A written order issued by the Engineer to the Contractor for a change to the Contract. Changes to the Contract are extra work, increases or decreases in Contract item quantities, or alterations to the Contract, and are within the scope of the Contract. A change order also establishes the basis and amount of payment for the change to the Contract and provides for any time extension necessitated by the change to the Contract.

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**101.15 Channel.** A natural or artificial water course.

**101.16 Completion.** Completion of the Project occurs when the

work has been satisfactorily concluded under the Contract and the Contractor has satisfactorily executed and delivered to the Engineer all documents, certificates, and proofs of compliance required by the Contract.

**101.17 Contract.** The written Agreement between the Department and the Contractor setting forth the obligation of the parties for the performance of the work.

The Contract may include, but is not limited to, the advertisement, bid proposal, Agreement, Contract form; proposal, performance, payment, and other bonds or guaranties; Specifications; working drawings; general and detailed plans; all required notices with respect to any of the foregoing; change orders; supplemental agreements; and Engineer's written directives. The Contract shall not be modified, altered, or otherwise changed by any oral promise, statement, or representation made either by the Department or Contractor, unless such modification, alteration, or change is reduced to writing in accordance with the Contract.

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**101.18 Contract Item (Pay Item).** A specifically described item of work for which a price is provided in the Contract.

**101.19 Contract Payment and Performance Bond.** The security furnished by the Contractor and the Contractor's surety or sureties to guarantee payment and performance of all obligations incurred by the Contractor on any Contract.

**101.20 Contract Time.** The number of working days or number of calendar days allowed for the substantial completion of the Contract. When a calendar date of completion is specified, the work shall be substantially completed on or before that specified completion date. Calendar day contracts shall be completed on or before the day indicated even when that date is Saturday, Sunday, or holiday.

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**101.21 Contractor.** The individual or legal entity contracting with the Department for performance of the work.

**101.22 County.** The county in which the work is to be performed.

**101.23 Culvert.** Any structure which provides an opening under any roadway, but is not classified as a bridge.

**101.24 Days.** Days as used in the Contract means calendar days.

**101.25 Department.** Delaware Department of Transportation.

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**101.26 Differing Site Conditions.** Subsurface or latent physical conditions encountered at the site that, 1) differ materially from those indicated in the Contract, or are 2) unknown physical conditions of an unusual nature, differing materially from those

conditions ordinarily encountered and generally recognized as inherent in the work provided for in the Contract.

**101.27 District.** Subdivisions of the Department for the purpose of management, construction, and maintenance.

**101.28 District Engineer.** The Engineer in charge of a district of the Department.

**101.29 Easement.** A right acquired by public authority to use or control property for a designated transportation purpose.

**101.30 Embankment.** A structure constructed of material as described in Section 202, between the existing ground and sub-grade.

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**101.31 Engineer.** The Chief Engineer of the Department, acting directly or through an assistant or other authorized representative responsible for engineering and administrative supervision of the Contract.

**101.32 Equipment.** All machinery, tools, and apparatus, together with necessary supplies for upkeep and maintenance necessary for the construction and completion of the Contract.

**101.33 Extra Work.** Work not included in the Contract, but within the scope of the Contract and desired by the Engineer for the satisfactory completion of the Contract.

**101.34 Falsework.** Any temporary construction work used to support the weight of a permanent structural element until it becomes self-supporting. Falsework would include steel or timber beams, girders, columns, piles and foundations, and any proprietary equipment including modular shoring frames, post shores, and adjustable horizontal shoring.

**101.35 Force Account.** Prescribed work paid on the basis of actual costs and appropriate additives.

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**101.36 Formwork.** A temporary structure or mold used to retain the plastic or fluid concrete in its designated shape until it hardens. Formwork must have enough strength to resist the fluid pressure exerted by plastic concrete and any additional fluid pressure effects generated by vibration.

**101.37 Final Inspection.** The inspection, conducted by the Engineer, to determine if the Project, or any substantial portion thereof, has been satisfactorily completed, in accordance with Contract requirements.

**101.38 General Notices.** Federal and State regulations contained in the bid proposal which govern Contract operations.

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**101.39 Holidays.** The following days shall be considered legal holidays in the State of Delaware.

- A. New Years Day
- B. Martin Luther King's Birthday
- C. President's Day
- D. Good Friday
- E. Memorial Day
- F. Independence Day
- G. Labor Day
- H. Columbus Day
- I. General Election Day (biennial)
- J. Return Day (Sussex County only after 12:00 Noon)
- K. Veteran's Day
- L. Thanksgiving Day
- M. Friday after Thanksgiving
- N. Christmas Day

If any additional days are designated as legal holidays for State employees by Executive Order of the Governor, and the Contractor chooses to honor the days by not working, the State will extend the Contract time accordingly.

If any holiday falls on Sunday, the Monday following shall be the holiday. If any holiday falls on Saturday, the Friday preceding shall be the holiday.

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**101.40 Inspector.** An authorized representative of the Engineer assigned to make detailed inspections of the material or work to determine compliance with the Contract.

**101.41 Invitation for Bids.** The advertisement for proposals for work or materials on which bids are requested. The advertisement will indicate with reasonable accuracy the quantity and location of the work to be performed and the time and place of the opening of proposals.

**101.42 Laboratory.** The Department testing laboratory or any other testing laboratory designated by the Engineer.

**101.43 Limits of Construction.** An area with established boundaries, identified within the right-of-way or easements, where the construction is permitted. When not specifically identified, limits of construction shall be the right-of-way and easement.

**101.44 Liquidated Damages.** An amount due and payable to the Department by the Contractor for additional costs incurred by the Department resulting from the Contractor's failure to complete within the Contract time.

**101.45 Lump Sum.** The single price submittal by a Contractor as a

single amount for a complete Contract item.

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**101.46 Major and Minor Contract Items.** Any Contract item having an original value in excess of 10% of the original Contract amount is a major item. All other original Contract items are considered minor.

**101.47 Materials.** Any substances other than equipment used in the construction of the Project.

**101.48 Median.** The portion of a divided highway separating the traveled ways for traffic in opposite directions.

**101.49 Notice of Award.** A written notice to the selected bidder stating that the bid proposal has been accepted by the Department and that the selected bidder is required to execute the Contract Agreement and furnish Performance and Payment bonds satisfactory to the Department.

**101.50 Notice to Contractors.** The official notice stating the time and place for the submission of bid proposals.

**101.51 Notice to Proceed.** Written notice to the Contractor to begin the Contract work. When applicable, the notice will include the starting date of Contract time.

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**101.52 Pavement Structure.** The combination of sub-base, base course, and surface course placed on a sub-grade to support the traffic load.

1. Base Course. The layer or layers of specified or selected material of designated thickness placed on a sub-base or a sub-grade to support a surface course.
2. Sub-base. One or more layers of specified material thickness placed on a sub-grade to support a base course (or in the case of rigid pavement, the Portland cement concrete slab).
3. Sub-grade. The top surface of the roadbed upon which the pavement structure is constructed.
4. Sub-grade Treatment. Modification of roadbed material by stabilization.
5. Surface Course. Layer(s) of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate. The top layer is sometimes called the "Wearing Course".

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**101.53 Pay Item** - See Contract item.

**101.54 Plans.** The approved Contract plans, typical sections, and supplemental drawings, or exact reproductions thereof, which show the location, character, dimension, and details of the work to be done, and which are considered a part of the Contract supplemental to these Specifications.

**101.55 Profile Grade.** The trace of a vertical plane intersecting the top surface, usually along the longitudinal centerline of the surface coarse. Profile grade means elevation of such trace.

**101.56 Project.** The specific section of highway or other public improvement together with all appurtenances and construction to be performed thereon under the Contract. The Project may include work by others under other contracts.

**101.57 Project Resident.** The field representative of the Engineer having direct supervision of the administration of the Contract.

**101.58 Proposal.** A written offer by a bidder on Bid Proposal Forms furnished by the Department to perform the work.

**101.59 Proposal Guaranty.** The security furnished with a proposal to ensure that the bidder will enter into the Contract if the Contract is awarded.

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**101.60 Responsive Bid.** A proposal that complies with all requirements of the invitation for bids.

**101.61 Responsible Bidder.** A bidder determined by the Department to possess the potential to perform the Contract work.

**101.62 Right-Of-Way.** A general term denoting land, property, or interest therein possessed by the Department.

**101.63 Roadbed.** The graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

**101.64 Roadside.** The areas between the outside edges of the shoulders and the right-of-way boundaries. Unpaved median areas between inside shoulders of divided highways and infield areas of interchange are included.

**101.65 Roadside Development.** Those items necessary for the preservation or replacement of landscape materials and features that may include suitable plantings and other improvements or ground cover to preserve and enhance the appearance and stability of the highway right-of-way or acquired easements for scenic improvements.

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**101.66 Roadway.** The portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

**101.67 Scaffolding.** An elevated work platform used to support workers, materials, and equipment, but not intended to support the structure.

**101.68 Schedule of Items.** The list of Contract items of work in the rear of the proposal on which bidders submit their bid prices.

**101.69 Schedule of Work.** The approved progress schedule submitted by the Contractor containing dates of commencement and completion of the various items of work within the Contract time.

**101.70 Secretary.** Secretary of the Department of Transportation of the State of Delaware.

**101.71 Section.** When referring to the Specifications, a numbered article or group of related articles forming a part of the Specifications.

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**101.72 Shoulder.** The portion of the right-of-way adjacent to the traveled way for accommodation of stopped vehicles for emergency use, and for lateral support of the pavement structure.

**101.73 Sidewalk.** That portion of the road primarily constructed for the use of pedestrians.

**101.74 Specifications.** The compilation of provisions and requirements for the performance of the prescribed work.

1. Standard Specifications. A book of specifications approved for general application and repetitive use.
2. Supplemental Specifications. Approved additions and revisions to the Standard Specifications, which is part of the bid proposal.
3. Special Provisions. Special directions, provisions, or requirements particular to the Project not otherwise detailed in the Standard or Supplemental Specifications.

**101.75 Standard Construction Details.** Drawings of standard details of construction which have been adopted by the Department for miscellaneous items of work and are a part of the bid proposal.

**101.76 State.** The State of Delaware.

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**101.77 Structures.** Bridges, culverts, storm sewer appurtenances, slope and retaining walls, sign support structures, and other similar items.

**101.78 Subcontractor.** An individual or legal entity contracting with the Contractor to perform any part of an item of work of the Contractor's contract with the Department.

Exceptions to this definition are suppliers limited to delivering and

depositing, but not incorporating material, and the work performed as maintenance which does not advance the completion of the Contract and is not considered as an item of work.

**101.79 Substantial Completion.** The point at which all Contract items are complete and accepted excluding any warranties or vegetation growth.

**101.80 Substructure, Bridge.** All of the structure below the bearings of simple and continuous spans, skewbacks of arches, and tops of footings of rigid frames, including backwalls, and wingwalls.

**101.81 Superintendent.** The Contractor's authorized representative in responsible charge of the work.

**101.82 Superstructure, Bridge.** Approach slabs and the entire structure except the substructure.

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**101.83 Supplemental Agreement.** A written agreement signed by the Department and the Contractor for the performance of work which is beyond the scope of the original Contract, but which the Department elects to perform in conjunction with the existing Contract.

**101.84 Surety.** The legal entity or individual other than the Contractor, authorized to do business in the State, executing a bond furnished by the Contractor.

**101.85 Town or City.** A subdivision of the State used to designate or identify the location of the proposed work.

**101.86 Traveled Way.** The portion of the right-of-way designated for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**101.87 Unbalanced Bid, Materially.** A proposal that generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the Department.

**101.88 Unbalanced Bid, Mathematically.** A proposal containing Contract items that do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs.

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**101.89 Unit Price.** The price provided by the Contractor in the proposal for a Contract item.

**101.90 Work.** The furnishing of all labor, materials, equipment, and other incidentals necessary to complete the Contract.

**101.91 Working Day.** Any calendar day, except: 1) Saturdays, Sundays, and holidays; 2) days where conditions identified in the

Contract require the Contractor to suspend construction operations; 3) days with inclement weather that prevent prosecution of the scheduled work; 4) days from December 16 to March 15 inclusive. On inclement weather days that result in partial prosecution of the work, partial working days will be charged as determined by the Engineer. Partial working days will be charged in one-quarter day increments. If the Contractor receives permission from the Engineer to work on any Sunday or holiday, full working days will be charged, weather permitting. No time charge will be assessed if the Contractor elects to work on Saturdays. Should the Contractor prepare to begin work on any day on which inclement weather prevents the work from beginning at the usual starting time and the crew is dismissed as a result, the Contractor will not be charged for a working day whether or not conditions change during the day and the rest of the day becomes suitable for construction operations.

**101.92 Working Drawings.** Stress sheets, shop drawings, erection plans, false-work plans, framework plans, cofferdam plans, bending diagrams for reinforcing steel, or any other supplementary plans or similar data which the Contractor is required to submit to the Engineer for approval.

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## **Section 102 - Bidding Requirements and Conditions**

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**102.01 Registration of Bidders.** Prospective bidders must obtain registration status prior to submitting a proposal. In order to obtain registration status, prospective bidders must provide the Department with the following information:

1. Legal title, address, Federal Employer Identification Number, and phone number of organization.
2. Type of organization (corporation, partnership, etc.).
3. If organization is a corporation, name the parent company and all subsidiary or affiliated companies, if applicable, and list all stockholders who own shares of stock equal to or more than 10% of the organization's stock.
4. List the name and title of corporate officers authorized to